



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

October 15, 2004

Mr. Denis Hulme
Woodin & Associates, LLC
5179 West Woodmill Drive
Wilmington, DE 19808

RE: PLUS review – PLUS #2004-09-12; L & C Contracting

Dear Mr. Hulme:

Thank you for meeting with State agency planners on September 22, 2004 to discuss the proposed plans for the L & C contracting project to be located on Route 8, 750 feet east of Sharon Hill Road. According to the information received, you are seeking a rezoning of 1.6 acres in Kent County from AR to BG for the purpose of developing a 22,000 square foot mini storage facility.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 3 according to the 2004 State Strategies for Policies and Spending. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. In this case, however, the site is indicated as Investment Level 3 due to existing development and infrastructure in the area. The site is actually located outside of Kent County's growth zone. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future. Our office has no objections to the proposed

rezoning and development of this project in accordance with the County codes and ordinances.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

If this rezoning is approved and the project moves forward, your engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran, & Thompson, regarding their requirements for access. Mr. Herb may be reached at 302-266-9080.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

According to the Kent County soil survey, Sassafras and Johnston are in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development. Johnston is a very poorly-drained wetland associated (**hydric**) floodplain soil that has severe limitations for development.

According to Statewide Wetland Mapping Project (SWMP) maps, no wetlands were mapped on subject parcel. However, the presence of a **hydric** soil mapping unit (Johnston) on more than 50 percent of subject parcel contradicts the finding of SWMP. Since soil mapping is often a more accurate predictor of wetland conditions (especially in cleared or farmed areas) than SWMP, its use is more reflective of actual conditions.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they may be subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands. **On the basis of the above-referenced information, the Department strongly recommends an Army Corps of Engineers (ACOE) approved wetlands delineation be conducted prior to proceeding beyond the initial planning stage.**

It is recommended that the applicant contact the Farm Services Agency of the USDA for information regarding the potential for the farmed or cleared wetlands on subject parcel to meet the criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the St. Jones River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

2. The following notes must appear on the record plan:

- The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
- The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
- A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

3. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

5. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section is aware on drainage concerns on Cahoon Branch from Sharon Hill Road downstream to Chestnut Grove Road. Beaver have potentially affected water flow downstream of the project area. The proposed project is in an area that has had several severe storms that may have affected the drainage of Cahoon Branch. The Drainage Section does not have a clear understanding where this project's on site storm water will be released off site. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Underground Storage Tanks

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal,

the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central Water System), set back and separation requirements will apply.

b. **Fire Protection Features:**

- For mini-storage buildings greater than 10,000 SqFt Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 SqFt. or less
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

c. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Forrest Avenue must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- Gated access to the property must meet the requirement of DSFPR Part V Chapter 1. An acceptable lock box arrangement to provide fire department access is required. Contact local Fire Chief to discuss.

d. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use

- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Public Service Commission - Contact: Andrea Maucher 739-4247

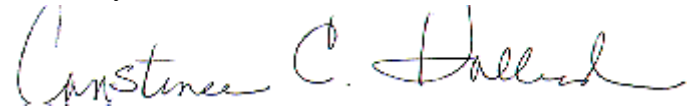
The project information sheets state that an individual on-site well will be used to provide water for the proposed project. PSC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity number PSC -1190. A well permit could be denied if it is determined that public water is available from Tidewater within 200 feet of the property. It is recommended that the developer contact Tidewater Utilities to determine the availability of public water. Any questions concerning CPCNs should be directed to the Public Service Commission at 302-739-4247.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP
Director

CC: Kent County
City of Dover